

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

EVAN BROWN, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

PAPA MURPHY'S HOLDINGS, INC. and  
WELDON SPANGLER,

Defendants.

Case No. 19-cv-05514-BHS

[PROPOSED] ORDER AWARDING  
ATTORNEYS' FEES, EXPENSES, AND  
SERVICE AWARD

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ATTORNEYS' FEES, EXPENSES, AND SERVICE  
AWARD  
Case No. 19-cv-5514-BHS

**BRESKIN | JOHNSON | TOWNSEND** PLLC  
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1 WHEREAS, an action pending before this Court is styled *Brown v. Papa Murphy's*  
2 *Holdings, Inc., et al*, Case No. 19-cv-05514-BHS (“Action”);

3 WHEREAS, on January 11, 2022, the Court entered the Preliminary Approval Order: (i)  
4 preliminarily approving the Settlement and the proposed forms and methods of providing notice  
5 to the Settlement Class; (ii) providing Settlement Class Members with the opportunity to object  
6 to the proposed Settlement and the Fee and Expense Award and Service Award; and (iii) setting  
7 a Final Approval Hearing for May 2, 2022, at 11:00 a.m.;

8 WHEREAS, the Court conducted the Final Approval Hearing on May 2, 2022, to consider,  
9 among other things: (i) whether Lead Plaintiff and Lead Counsel have adequately represented the  
10 Settlement Class; (ii) whether the proposed Settlement on the terms and conditions provided for  
11 in the Stipulation is fair, reasonable, and adequate, thus warranting final approval; and (iii)  
12 whether the Fee and Expense Award and Service Award is reasonable and should be approved;  
13 and

14 WHEREAS, it appearing that notice of the Settlement, Releases, and the Final Approval  
15 Hearing has been given in accordance with the Preliminary Approval Order; the Settling Parties  
16 having appeared by their respective attorneys of record; the Court having heard and considered  
17 evidence in support of Lead Plaintiff’s request for the Fee and Expense Award and Service  
18 Award; the attorneys for the respective Settling Parties having been heard; an opportunity to be  
19 heard having been given to all other persons or entities requesting to be heard in accordance with  
20 the Preliminary Approval Order; the Court having determined the notice to the Settlement Class  
21 was adequate and sufficient; the Court having found that Lead Plaintiff’s request for the Fee and  
22 Expense Award and Service Award is fair, reasonable, and adequate and otherwise being fully  
23 informed in the premises and good cause appearing therefore:

24 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as  
25 follows:  
26

1 1. Unless otherwise defined in this Order, the capitalized terms used herein shall have  
2 the same meanings as set forth in the Stipulation of Settlement, dated November 29, 2021  
3 (“Stipulation”).

4 2. The Court has jurisdiction over the subject matter of this application and all matters  
5 relating thereto, including all Settlement Class Members who have not timely and validly  
6 requested exclusion.

7 3. The Court hereby awards Lead Counsel, Monteverde & Associates PC, attorneys’  
8 fees of \_\_\_\_\_% of the Settlement Fund or \$\_\_\_\_\_, plus litigation expenses in the  
9 amount of \$\_\_\_\_\_, together with the interest earned thereon for the same time period  
10 and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the  
11 amount of fees awarded is fair and reasonable under the “percentage-of-recovery” method given  
12 the substantial risks of non-recovery, the time and effort involved, and the result obtained for the  
13 Settlement Class. The Court additionally finds that the costs and expenses were reasonable and  
14 relevant to prosecution of the Action, given the complex nature of the Action.

15 4. The Court approves Lead Plaintiff’s Service Award in the amount of \$\_\_\_\_\_.  
16 This award is reasonable and justified given the time and effort expended and the work performed  
17 and the active participation in the Litigation and settlement processes by Lead Plaintiff, as class  
18 representative on behalf of the Settlement Class; the benefit to the Settlement Class due to Lead  
19 Plaintiff’s actions on their behalf; and the length of the case.

20 5. The awarded Fee and Expense Award and interest earned thereon shall immediately  
21 be paid to Lead Counsel subject to the terms, conditions, and obligations of the Stipulation, and  
22 in particular ¶ 6 thereof, which terms, conditions, and obligations are incorporated.

23 IT IS SO ORDERED.

24 DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE BENJAMIN H. SETTLE  
UNITED STATES DISTRICT JUDGE